

Michigan Department of Civil Service

REGULATION

Appointing Authority Letter Reference: CS-6897	Effective Date: April 25, 1999 <u>August 20, 2000</u>	Index Reference: Establishment, Nonpreauthorized Positions, <u>Reclassification</u> Reallocation on	Regulation Number: 4.01
Issuing Bureau: Human Resource Services	Rule Reference: Rules <u>1-3</u> , 4-1.1, 4-1.2, 4-1.3, 4-1.4, 4-1.6 , and 4-2.1,	Replaces: Reg. 4.01 (CS-6803, July 14, 1996) <u>April 25, 1999</u>	
Subject: ESTABLISHMENT AND <u>REALLOCATION RECLASSIFICATION OF ACTIONS THAT REQUIRE CIVIL SERVICE REVIEW</u> NONPREAUTHORIZED POSITIONS			

1. PURPOSE

- A. The purpose of this regulation is to establish the standards and procedures for processing position establishments and reclassifications that require Civil Service review. Refer to Civil Service Regulation 4.02, *Preauthorized Classification and Transactions*, for the standards and procedures for establishing and reclassifying positions in preauthorized classifications.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

~~Chapter 4 of the Michigan Civil Service Commission Rules provides the basis for position establishment, reallocation, and classification.~~

- A. ~~1-3~~ *Regulations.*--- *The state personnel director is authorized to issue regulations that the director deems to be necessary or useful. A regulation issued by the state personnel director shall be binding on the department of civil service unless the commission finds that the regulation violates a rule. The state personnel director shall make all regulations available to employees through their personnel offices and the internet.*
- B. **Rule 4-1.1 Requirement.** — *All positions must be established in the classified service ~~except where~~ unless specifically exempted or excepted by article 11, section 5 of the constitution, or ~~by~~ these rules.*

C. Rule 4-1.2 ~~Allocation~~ Classification. — ~~All A~~ positions established in the classified service ~~shall~~ must be reviewed ~~for purposes of determining their appropriate allocations to classify the position properly.~~

D. Rule 4-1.3 Authority to Establish. — The appointing authority may establish a position for reasons of administrative efficiency. ~~No An~~ appointment ~~shall~~ cannot be made to ~~any~~ position until ~~that position it~~ has been established and ~~allocated~~ classified.

E. Rule 4-1.4 Classification Plan. — The commission shall authorize an official classification plan for all positions in the classified service. ~~The department of civil service which shall be administered the official classification plan by the department of civil service.~~

(a) **~~Allocation~~ Classification.** Every position established ~~shall~~ must be ~~allocated~~ classified in accordance with the official classification plan. ~~---~~

~~Rule 4-1.6 Regulations.~~ — ~~The state personnel director shall issue any regulations necessary to implement the provisions of this chapter.~~

F. Rule 4-2.1 Position ~~Allocation~~ Classification Review. — The department of civil service ~~will~~ shall provide for both a periodic and ongoing review of positions in the classified service ~~for the purpose of reviewing the allocations of to ensure positions to ensure they will~~ continue to be properly classified. ~~---~~

3. **DEFINITIONS**

A. Civil Service Commission Rule Definitions:

1. Preauthorized Classification Actions ~~is defined in the ECP Glossary of Terminology as follows:~~ means the specific authorization granted by Civil Service for to an appointing authorities authority to process a transaction establish and reallocate positions in predetermined classes and levels in accordance with civil service rules and regulations without prior civil service review standards and procedures published by the Department of Civil Service. Many class series are pre-authorized at the entry or beginning level through the intermediate, experienced level and up to the senior/lead worker level. Employees in a preauthorized series may be reallocated to the next level when they meet the education, experience, and other necessary special requirements, and their job performance at the higher level is satisfactory.

B-2. Position ~~is defined in the ECP Glossary of Terminology as follows:~~

~~A group of **Position** means a classified job identified by its respective duties and responsibilities, assigned or delegated by the appointing authority, defined on a Position Description form, and assigned a unique position identification number reflecting its organizational placement within the department. A position accommodates the full-time or part-time employment of one person.~~

~~C. **Reallocation** is defined in the ECP Glossary of Terminology as follows:~~

~~3. **A Reclassification** means an authorized classification action to resulting in the change an employee's classification or grade of a position's class based up on a position review conducted by Civil Service or the appointing authority if the class is preauthorized. A position may be considered for higher-level allocation when a the gradual growth and accretion of higher level over time in related duties and responsibilities results in the position meeting the concept for the new class and level.~~

~~4. **Selective position requirements** means specific qualifications that are narrower or more limited than those generally associated with a position and that are determined to be essential for performance of the duties of a specific position.~~

~~5. **Subclass** means additional specialized experience, specialized training, licensure, or other specialized qualification that is required for appointment to a specific subgroup of positions.~~

~~B. Please refer to the ECP Glossary of Terminology for additional **Additional definitions**Definitions. As used in this regulation:~~

~~1. **Establishment** is defined in the Equitable Classification Plan (ECP) Glossary of Terminology as follows: means The the creation of a new position by an appointing authority by defining the duties, responsibilities, and other relevant considerations on a Position Description form. Every position established shall be classified by the Department of Civil Service in accordance with the official classification plan.~~

4. STANDARDS

A. ESTABLISHMENT AND REALLOCATION STANDARDS RECLASSIFICATION

1. A ~~position in a~~ classification action that is not preauthorized must be reviewed and approved by the ~~Bureau~~ Department of Civil Service before it can be placed in the ~~Personnel Payroll Information System of Michigan~~

(PPRISM) Human Resources Management Network (HRMN) for allocation. Positions typically ~~allocated~~ classified in an advanced senior, lead worker, supervisory, managerial, staff specialist, program specialist, administrative, or executive classification are not preauthorized.

2. The effective date assigned to any ~~establishment or reallocation classification action~~ request for a position ~~in a nonpreauthorized classification that requires a Civil Service Review~~ will be in accordance with Civil Service Regulation 4.04, *Effective Dates for Classification Actions*.
3. ~~To establish or reallocate a position in a nonpreauthorized classification,~~ For a classification action that requires Civil Service review, the appointing authority must submit to the ~~Bureau~~ Department of Civil Service the Position Action Request (CS-129~~T~~) form and a completed Position Description (CS-214) form. Additional supporting documentation may be required to complete the classification review, such as an organizational chart for the work area, approved ~~senior~~ advanced level standards, the appropriate ~~subsystem specialist and managerial~~ worksheets, or a Bureau Department of Civil Service-approved Request for a Qualification Review (CS-153A) form, ~~or a Standard Certification of Eligibles (KC-3306) employment list.~~ Positions in classifications that are included in Groups Two, Three, and Four of the ECP and are eligible for subclass code(s) designation should have proposed subclasses ~~codes~~ entered on the Position Action Request. If any additional information is necessary, the Bureau Department of Civil Service will issue a CS-1397 form letter.

B. ESTABLISHMENT STANDARDS

1. A new position establishment requires approval by the Department of Civil Service. This includes adding FTEs to an existing position.
- 1.2. A position establishment is necessary, and a position ~~reallocation~~ reclassification is not appropriate, when the primary function of the position undergoes a material and substantial change, requiring a new body of knowledge, skills, and abilities to perform the duties. Each request will be evaluated on an individual basis. A new position establishment and appointment is necessary when the job changes, for example:

From a worker classification to a supervisory, managerial, administrative, or executive classification.

- a. From a worker classification to an unrelated program or staff specialty.

- b. From one program or staff specialty area to another unrelated program or staff specialty area.
 - c. From a supervisory or managerial classification to an administrative or executive classification.
 - d. From an administrative classification to an executive classification.
 - ~~f. From an administrative support classification to a technician classification.~~
 - e. From a nonprofessional classification to a professional classification.
 - f. When two or more work areas are combined and similarly situated positions exist where there should be competition for the new position.
 - g. From one category kind of classifications ~~es~~ work to another category of classifications ~~es~~, e.g., accounting assistant to carpenter or property analyst to personnel management analyst ~~nonskilled trades to skilled trades or general office worker to bookkeeper~~.
 - h. From a classification in one ECP Group to a classification in another ECP Group.
- 2.3.** All professional administrative assistant positions must be established in the proper class series and at the proper classification level, as described on the classification-job specification.
- 2.4.** All secretaries and senior executive management assistants reporting to positions in the ECP Group Four must be established at the appropriate classification level, as described on the classification-job specification.
- 3.5.** All multiple, limited, and overall assistant division director positions must be established in the proper class series and at the proper classification level.
- 4.6.** A request to establish a position in an ECP Group Four classification, including the Senior Executive Service (SES), must be accompanied by an approval letter from the Department of Management and Budget (DMB), Office of the Budget, or the Governor's Executive Office and must be done in compliance with Executive Order 2000-1. ~~Re-establishment of such positions that have been expired for less than a year will not require new budget approval.~~

5.7. A supervisory, managerial, administrative, or executive-level position may be established with vacant subordinate positions to allow the future managerial ~~incumbent~~ employee the ability to select the subordinates. The appointing authority will have six months from the date of the manager's appointment to fill the subordinate positions and submit verification to the ~~Bureau~~ Department of Civil Service. If the subordinate positions are not filled within this six-month time period, the ~~Bureau~~ Department of Civil Service will ~~downgrade~~ reclassify the position to the proper classification. The ~~Bureau~~ Department of Civil Service may grant extensions beyond the six-month period if an appointing authority demonstrates good cause.

6.8. A project manager position, a professional managerial position that has lead responsibility for major projects, may be established as a temporary or permanent position. A temporary project manager position can be established for up to 24 months. Extensions are permissible for demonstrated good cause. A permanent position can be established and must have continuous assigned projects, with certification as to the continuous nature of the projects. The project manager position must supervise two filled positions at all times. The subordinate positions can be permanently established, established on a temporary basis, or borrowed from other work areas.

9. A pattern position is a position that requires the possession of specific education, experience, skills, and knowledge that can only be gained through on-the-job-training at the lower levels in the classification. A pattern position must be established filled at the lowest level in the approved pattern. The reclassifying of a pattern position is not preauthorized to an appointing authority.

C. ~~C.~~ REALLOCATION STANDARDS RECLASSIFICATION

- ~~To warrant a reallocation, a position must experience gradual growth in related duties and responsibilities that result in the position meeting the classification concept for the higher level or for a new classification. Means an authorized classification action to change an employee's classification that is based on the gradual growth and accretion of higher level duties.~~
- For a classification action that requires Civil Service review, ~~filled position in a nonpreauthorized classification to be eligible for a reallocation~~, the appointing authority must certify that the ~~incumbent~~ employee meets the minimum requirements, ~~and is~~ satisfactorily performing the duties and responsibility of the requested classification or classification level as demonstrated by a

~~documented and has a current satisfactory performance rating. An incumbent is presumed to be performing the assigned duties satisfactorily unless a less than satisfactory service rating or a counseling memorandum is issued.~~

3. A position may be ~~reallocated~~ reclassified:

~~a. From the entry/trainee level up to the experienced level. In this case, the duties and responsibilities remain basically the same, but the incumbent has gained experience and, therefore, is performing satisfactorily a greater range of assignments with more independence. A position may be permanently allocated at the intermediate level if it is assigned, and the incumbent is performing a limited range of duties.~~

a. ~~b.~~——To the senior advanced level when the position is assigned and the ~~incumbent~~employee is satisfactorily performing, the most complex duties and responsibilities beyond those assigned to an experienced-level position, as determined by Bureau~~Department of Civil Service~~-approved senior advanced allocating classification standards.

b. ~~c.~~——From the experienced-level or senior advanced-level worker to a program or staff specialist-level worker if the position's principal duties and responsibilities remain basically the same, but the job has evolved from a worker to a related and identifiable program or staff specialty that is recommended by the appointing authority and accepted by the Bureau~~Department of Civil Service~~.

c. ~~d.~~——When there is no change in the assigned duties and responsibilities, but there is a change in the overall classification plan that results in a change in the classification concept.

d. ~~e.~~——When there is a change in the classification of the supervisor's position that impacts upon the subordinate position's classification.

e. ~~f.~~——When there is a change in the subordinate position's classification that impacts upon the supervisory position's classification.

f. ~~g.~~——When the duties and responsibilities remain basically the same, but the position takes on greater importance and stature through a change in the organizational placement. For example, a division organizational entity is elevated to a bureau organizational entity in recognition of the agency's changing mission and program goals.

- g. ~~h.~~—When the duties and responsibilities of a supervisory or managerial position remain basically the same but, through staff expansion, an additional layer of subordinate supervision is needed to carry out the primary focus of the position's work.
- h. ~~i.~~—When the duties and responsibilities remain basically the same, but the duties and responsibilities have gradually accrued over a long period of time (several years), to the extent that a reasonable argument can be made that a ~~reallocation-reclassification~~ is warranted. The ~~Bureau~~Department of Civil Service will review when and how the onset of these duties and responsibilities occurred. These duties and responsibilities cannot have been abruptly assigned at any prior point even if the ~~reallocation-reclassification~~ request is made several years after the change occurred.
- i. ~~j.~~—When the appointing authority proposes and the ~~Bureau~~Department of Civil Service accepts that the ~~reallocation-reclassification~~ is warranted because the ~~incumbent employee~~ would be competing for his/her own position. This is a situation where no real competitive opportunity exists for the position.
4. If the ~~reallocation-reclassification~~ request involves moving the position from one bargaining unit to another bargaining unit, ~~the appropriate authorization the appointing authority must be received from contact~~ the Office of the State Employer (OSE). ~~The appointing authority must contact and~~ the affected exclusive representative(s) for the bargaining unit(s) for review and comments on the proposed ~~reallocation-reclassification~~. The results of the communication from OSE and the exclusive representative(s) must be submitted to the ~~Bureau~~Department of Civil Service before the requested ~~classification-reclassification~~ action can be ~~processed~~ considered.
5. The assignment and performance of working-out-of-class duties and responsibilities do not support a position ~~reallocation-reclassification~~. Working-out-of-class assignments and position ~~reallocations-reclassification~~ are mutually exclusive situations—. Working-out-of-class assignments will be reviewed and processed in accordance with Civil Service Regulation 4.124.08, Working Out of Class ~~for Nonexclusively Represented Employees~~.

D. ESTABLISHMENT AND ASSIGNMENT OF SELECTIVE POSITION REQUIREMENTS

1. Selective position requirements for specific positions must be job related. That is, the appointing authority must establish that the position is different from others in the classification, detail how it is different, and describe what unique qualifications are needed. A current approved Position Description (CS-214) for an established position must be submitted with the request for selective position requirement approval.
2. Selective position requirements must be a narrowing of the classification requirements and may not be for a higher order than the qualification requirements for the classification. For example, a criterion of a bachelor's degree would not be approved for a position in a classification that requires an associate's degree; however, an associate's degree in a particular area could be approved for a position in a classification with an associate's degree requirement.
3. The criteria must relate to entry requirements, not to knowledge, skills, abilities, or other characteristics acquired in the position.
4. Selective position requirements must be quantifiable, easily observable, and verifiable. Examples: "possession of a teacher's certificate," "fifteen college credits in toxicology," "one year of experience in historic preservation."
5. An approved selective position requirement must be applied whenever the position is to be filled by any means. The approval will remain in effect for the duration of the position unless there is a substantial change in the position's duties and responsibilities affecting the qualification requirements.
6. Selective position requirements must be approved and in place for 28 days before the criteria can be applied in a reduction-in-force action affecting the position, the employee, or a person exercising employment preference to the position. When a reduction in force (RIF) affects a position with an approved selective position requirement in place for 28 days or more, the approved requirement must be applied to all persons in whose bump chain the position appears.
7. The position must be established and the selective position requirement approval must be received before mandating and applying the requirement in the selection process.

8. Selective position requirements may be approved for positions in classifications with approved subclass(es).

E. ESTABLISHMENT AND ASSIGNMENT OF A SUBCLASS

1. An identified position or a group of positions must exist and have duties and responsibilities that require more specialized qualifications than those established on the class specification. The duties and responsibilities must be essential to the position at job entry. The subclass code definition must describe qualifications for which there is a recognized applicant pool.
2. The Department of Civil Service will establish, abolish, and revise subclasses and their definitions. Requests to establish, abolish, or revise subclasses may be initiated by appointing authorities or Civil Service staff. Appointing authorities will have the opportunity to review and comment on subclasses to be established, abolished, and revised, including the definition, before implementation.
3. The approval of subclasses for a position will not preclude further narrowing of the requirements through Selective Position Requirements, when appropriate.
4. If a position is assigned one subclass, the applicant selected to fill it must satisfy the subclass criteria. If a position is assigned more than one subclass, the applicant selected must be assigned at least one of the subclasses.
5. When a RIF affects a subclass assigned position, the subclass criteria shall be applied. Only employees who satisfy the subclass criteria may exercise employment preference into the subclass assigned position. Subclass qualification must be determined for all persons in whose bump chain the position appears. Subclasses must be in place 28 calendar days prior to the notice of layoff. (See Regulation 2.01, "Implementing a Reduction in Force for Non-Exclusively Represented Employees.")
6. Subclass additions, deletions, and revisions will be communicated in the "Established and Abolished Class Report," published monthly.
7. Subclasses may be assigned when a position is established or at any other time, except during a reduction in force. An appointing authority must provide supporting rationale for requesting addition or removal of a subclass from a specific position.

8. Subclasses may be assigned to individuals' qualification records in the HRMN based on published definitions. Subclasses may be added to, or removed from qualification records based on changes in qualifications or standards.
9. An individual must first possess the qualifications for the associated classification to receive a subclass code for his/her qualifications.

F. DOWNGRADING POSITIONS

1. An appointing authority may request reclassification between any of the lower classification levels within the non-supervisory/non-managerial class series e.g., worker, specialist class series, with the exception of administrative assistant positions.
2. Department/autonomous entity recall names will preclude downgrading of the position.

5. PROCEDURES

A. ESTABLISHING AND RECLASSIFYING POSITIONS

Responsibility

Appointing Authority

Action

1. Submits a Position Action Request (CS-129) form, Position Description (CS-214) form, and any other necessary information to the ~~Bureau~~ Department of Civil Service for a position review.
2. To ~~reallocate~~ reclassify a filled position, the appointing authority must certify on the ~~Position Action Request CS-129~~ that the ~~incumbent employee~~ meets the minimum qualifications and is satisfactorily performing the duties and responsibilities of the requested classification.
3. Reviews the establishment or ~~reallocation~~ reclassification request.

~~Bureau~~ Department of Civil Service

4. If approved or modified, ~~allocates~~classifies the position in, or ~~reallocates~~reclassifies the position to, the appropriate classification with the necessary documentation on the ~~Position Action Request~~CS-129 and enters the necessary information in ~~PPRISM~~the HRMN.
 5. Releases the approved ~~Position Action Response~~ ~~(CS-129A)~~ form to the appointing authority.
 6. If disapproved, documents the reasons on the ~~Position Action Response~~ CS-129 form and informs ~~incumbent employee~~ of the classification action and appeal rights.
 7. Receives the Position Action Response form and ~~matches~~verifies the information in ~~PPRISM~~the HRMN.
 8. ~~Informs agency management of the classification action.~~
- Appointing Authority

B. ESTABLISHING SELECTIVE POSITION REQUIREMENTS

Responsibility

Appointing Authority

Action

1. Prepares a written request for approval that includes a copy of the current CS-214, a CS-129, any documentation, and; a narrative that provides the rationale and linkage between the requested criterion and the CS-214; and any relevant supporting materials, such as pertinent legislation.

Department of Civil Service

2. Reviews the request.
3. Releases the CS-129 from to the appointing authority.

C)C. PROCEDURES FOR ESTABLISHING SUBCLASSES

Responsibility

Action

Appointing Authority

1. Submits, in writing, establishment of a new subclass, revision to, or abolishment of an existing subclass, and provides supporting rationale.

Department of Civil Service

2. Reviews requests for subclass establishment, abolishment, or revision. Makes determination and notifies user agencies.

All Appointing Authorities

3. Reviews and comments on proposed subclass code establishment, abolishment, or revision.

Department of Civil Service

4. Reviews agency comments and makes appropriate adjustments to subclass code.

5. Includes subclass establishments, abolishments, and revisions in monthly "Established and Abolished Class Report."

6. Updates subclass listing to reflect subclass changes.

D. PROCEDURES FOR ASSIGNING AND REMOVING SUBCLASS FROM POSITIONS

Responsibility

Action

Appointing Authority

1. Completes a CS-129 form requesting addition or removal of subclass(es) from a position, with supporting rationale.

Department of Civil Service

2. Reviews CS-129 and makes determination regarding appropriateness of adding or removing requested subclass(es).

Appointing Authority

3. Receives the CS-129 form and, if approved, verifies the information in the HRMN.

~~April 25, 1999~~ August 20,
2000

Regulation 4.01: Establishment and ~~Reallocation~~
~~Reclassification of Nonpreauthorized Positions~~ Actions That
Require Civil Service Review

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CONTACT

Questions regarding this regulation should be directed to the ~~Bureau of Human Resource Services~~, Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.